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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 Y THI NHU LE AND BEN VAN PHAN,
21 Defendants.

22 CASE NO. 2:23-CR-00188 WBS
23 STIPULATION REGARDING EXCLUDABLE
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;
25 [PROPOSED] FINDINGS AND ORDER
26 DATE: March 17, 2025
27 TIME: 10:00 a.m.
28 COURT: Hon. William B. Shubb

29
30 STIPULATION

31 1. By previous order, this matter was set for status on March 17, 2025.
32 2. By this stipulation, defendants now move to continue the status conference until **May 19,**
33 **2025 at 10:00 a.m.**, and to exclude time between March 17, 2025, and May 19, 2025, under Local Code
34 T4.
35 3. The parties agree and stipulate, and request that the Court find the following:
36 a) Discovery in this case is voluminous and consists of law enforcement reports,
37 records, and documents, among other things. All of this discovery has been either produced
38 directly to counsel and/or made available for inspection and copying.
39 b) Counsel for defendants desire additional time to continue their review of
40 discovery provided, to consult with their clients, perform legal research, investigate and
41 otherwise prepare for trial.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of March 17, 2025 to May 19, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 11, 2025

MICHELE BECKWITH
Acting United States Attorney

Dated: March 11, 2025

/s/ MARY ANN BIRD
MARY ANN BIRD
Counsel for Defendant
BEN VAN PHAN

Dated: March 11, 2025

/s/ TIMOTE TUIAVUKI
TIMOTE TUITAVUKI
Counsel for Defendant
Y THI NHU LE

ORDER

IT IS SO FOUND AND ORDERED.

Dated: March 12, 2025

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE